



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 8, 2004

LETTER OF DEFICIENCY #WSEB 04-150
Certified Mail# 7000 0600 0023 9933 7722

William Richmond
CFN Manchester North LLC
d/b/a Heartland Place
901 Suncook Valley Highway
Epsom, NH 03234

Subject: Public Water System: Epsom - Heartland Place; EPA #0774020
Sample Site: 501 - Tap in Boiler Room /001

Dear Mr. Richmond:

The records of the Department of Environmental Services (DES) show that the Heartland Place water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services or 25 or more people for 60 or more days a year. As such, the PWS owner is required to submit chemical samples according to the system's established sampling schedule to the State Laboratory or a State-certified laboratory in compliance with NH Administrative Rule Env-Ws 326.

The current enforceable maximum contaminant level (MCL) for arsenic is 0.050 mg/L. For systems on quarterly monitoring, compliance with the arsenic MCL is determined by calculating the system's running annual average (RAA), which is the average of all arsenic samples collected in the past 12 months. Heartland Place water system's Quarter-3, 2004 arsenic sample result of 0.0533 mg/L causes the system's arsenic RAA to be 0.058 mg/L. As such, the system has exceeded the arsenic MCL and therefore a violation has occurred.

DES believes the MCL violation can be corrected and future violations prevented by taking the following actions:

1. **Continue** to provide appropriate alternate (*i.e.* bottled) water at areas accessible to consumers until the violation is corrected. A Notice of Violation, dated May 14, 2004, was sent to you (copy enclosed) requiring that you provide alternate water to customers for consumptive needs for as long as the RAA exceeds the MCL. If bottled water is used, the source must be an approved source, monitored in accordance with Env-Ws 389; and
2. **By September 22, 2004**, send written confirmation to DES that alternate water is being provided to consumers; and
3. **By October 8, 2004**, provide public notice to all consumers following the guidelines in the enclosed public notice handout. Provide proof of public notice to this office within 10 days of issuing the public notice. Continue providing public notice **each calendar quarter** for as long as the exceedance occurs; and
4. **By October 8, 2004**, retain the services of a qualified consultant to address the water quality violation and notify DES, in writing, of the name of the consultant hired. The consultant should

review all existing water quality data prior to making recommendations for correcting the MCL violation; and

5. **By November 12, 2004**, submit to DES for approval the consultant's report, which shall contain the consultant's recommendations, along with an implementation schedule to correct the MCL violation. DES must approve the consultant's report/recommendations, the maintenance schedule, and the proposed implementation schedule prior to any work being done on the system; and
6. **By the DES-approved correction date**, correct the violation as approved by DES. Notify DES in writing of the correction(s) taken; and
7. Sample in accordance with your Master Sampling Schedule which is enclosed.

Please note, the Arsenic MCL was lowered from 0.050 mg/L to 0.01 mg/L, effective January 22, 2004. Pursuant to Env-Ws 316.01(g), **an existing public water system is required to meet the new, lower MCL by January 22, 2006.**

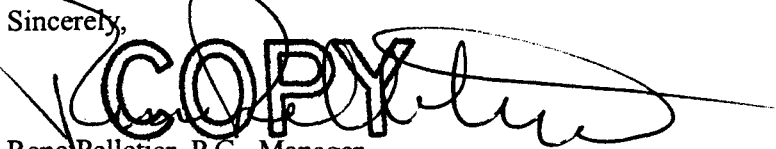
In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies to be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

The written report as requested above should be addressed as follows:

Alan Leach
Department of Environmental Services
Water Supply Engineering Bureau
29 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Please contact Selina J. Makofsky by phone at (603) 271-4109 or email at smakofsky@des.state.nh.us, or Alan Leach by phone at (603) 271-2854 or email at aleach@des.state.nh.us should you have any questions about this letter.

Sincerely,


Rene Pelletier, P.G., Manager
Land Resource Programs

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Enc. Notice of Violation dated May 14, 2004
Master Sampling Schedule
Arsenic Fact Sheet
Public Notice Template

cc: Gretchen R. Hamel, Administrator, DES Legal Unit (w/o enc.)
Cynthia Kellner, Primary Contact
Malcolm Libbey, Primary Operator
Town of Epsom Health Officer (w/o enc.)
Dave Gordon, DHHS Health Risk Assessment Bureau (w/o enc.)
US EPA Region 1 (w/o enc.)